

TO: Clerk's Office
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK



**APPLICATION FOR LEAVE
TO FILE DOCUMENT UNDER SEAL**

UNITED STATES OF AMERICA

-v.-

STEPHON DAVON CLARK

20-MJ-245

Docket Number

SUBMITTED BY: Plaintiff _____ Defendant _____ DOJ _____

Name: _____ Robert M. Pollack

Firm Name: USAO-EDNY

Address: _____ 271-A Cadman Plaza East

Brooklyn, NY 11201

Phone Number: 718 254 6232

E-Mail Address: robert.pollack@usdoj.gov

INDICATE UPON THE PUBLIC DOCKET SHEET: YES NO ✓

If yes, state description of document to be entered on docket sheet:

MANDATORY CERTIFICATION OF SERVICE:

A.) _____ A copy of this application either has been or will be promptly served upon all parties to this action, B.) _____ Service is excused by 31 U.S.C. 3730(b), or by the following other statute or regulation: _____; or C.) ✓ This is a criminal document submitted, and flight public safety, or security are significant concerns. (Check one)

March 12, 2020
DATE

Robert M. Pollack
SIGNATURE

A) If pursuant to a prior Court Order:

Docket Number of Case in Which Entered: _____

Judge/Magistrate Judge: _____

Date Entered: _____

B) If a new application, the statute, regulation, or other legal basis that authorizes filing under seal

All Writs Act: risk of flight, destruction of evidence

**ORDERED SEALED AND PLACED IN THE CLERK'S OFFICE,
AND MAY NOT BE UNSEALED UNLESS ORDERED BY
THE COURT.**

DATED: Brooklyn, NEW YORK
March 12, 2020

U.S. MAGISTRATE JUDGE

RECEIVED IN CLERK'S OFFICE March 12, 2020
DATE

UNITED STATES DISTRICT COURT
 for the
 Eastern District of New York

United States of America

v.
 STEPHON DAVON CLARK) Case No. 20-MJ-245
)
)
)
)
)
)
)

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

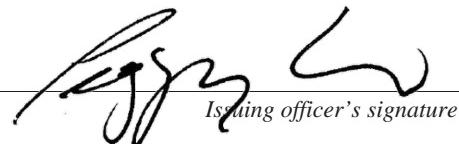
YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) STEPHON DAVON CLARK,
 who is accused of an offense or violation based on the following document filed with the court:

- Indictment Superseding Indictment Information Superseding Information Complaint
 Probation Violation Petition Supervised Release Violation Petition Violation Notice Order of the Court

This offense is briefly described as follows:

Hobbs Act Robbery, 18 U.S.C. § 1951(a)
 Brandishing a Firearm in Furtherance of a Crime of Violence, 18 U.S.C. § 924(c)

Date: 03/12/2020



Issuing officer's signature

City and state: Brooklyn, New York

Hon. Peggy Kuo, United States Magistrate Judge

Printed name and title

Return

This warrant was received on *(date)* _____, and the person was arrested on *(date)* _____
 at *(city and state)* _____.

Date: _____

Arresting officer's signature

Printed name and title

This second page contains personal identifiers provided for law-enforcement use only and therefore should not be filed in court with the executed warrant unless under seal.

(Not for Public Disclosure)

Name of defendant/offender: _____

Known aliases: _____

Last known residence: _____

Prior addresses to which defendant/offender may still have ties: _____

Last known employment: _____

Last known telephone numbers: _____

Place of birth: _____

Date of birth: _____

Social Security number: _____

Height: _____ Weight: _____

Sex: _____ Race: _____

Hair: _____ Eyes: _____

Scars, tattoos, other distinguishing marks: _____

History of violence, weapons, drug use: _____

Known family, friends, and other associates (*name, relation, address, phone number*): _____

FBI number: _____

Complete description of auto: _____

Investigative agency and address: _____

Name and telephone numbers (office and cell) of pretrial services or probation officer (*if applicable*): _____

Date of last contact with pretrial services or probation officer (*if applicable*): _____

AB:RMP
F. #2020R00278

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
----- X

UNITED STATES OF AMERICA

- against -

STEPHON DAVON CLARK,

Defendant.

TO BE FILED UNDER SEAL

COMPLAINT AND AFFIDAVIT
IN SUPPORT OF
APPLICATION FOR AN
ARREST WARRANT

(18 U.S.C. §§ 2, 924(c)(1)(A)(i),
924(c)(1)(A)(ii), 1951(a) and 3551 et seq.)

----- X
Case No. 20-MJ-245

EASTERN DISTRICT OF NEW YORK, SS:

JOSE CHEVERE, being duly sworn, deposes and states that he is a Task Force Officer with the New York City Police Department and the Bureau of Alcohol, Tobacco and Firearms Joint Robbery Task Force, duly appointed according to law and acting as such.

Count One: Hobbs Act Robbery

On or about January 27, 2020, within the Eastern District of New York and elsewhere, the defendant STEPHON DAVON CLARK did knowingly and intentionally obstruct, delay and affect commerce and the movement of articles and commodities in commerce, by robbery, to wit: the robbery of a restaurant delivery worker on Shepherd Avenue in Brooklyn, New York.

(Title 18, United States Code, Sections 1951(a), 2 and 3551 et seq.)

Count Two: Hobbs Act Robbery

On or about February 13, 2020, within the Eastern District of New York and elsewhere, the defendant STEPHON DAVON CLARK, together with others, did knowingly and intentionally obstruct, delay and affect commerce and the movement of articles and commodities in commerce, by robbery, to wit: the robbery of a convenience store on Jamaica Avenue in Brooklyn, New York.

(Title 18, United States Code, Sections 1951(a), 2 and 3551 et seq.)

Count Three: Brandishing a Firearm in Furtherance of a Crime of Violence

On or about February 13, 2020, within the Eastern District of New York, the defendant STEPHON DAVON CLARK, together with others, did knowingly and intentionally use and carry one or more firearms during and in relation to a crime of violence, to wit: a violation of 18 U.S.C. § 1951(a) as charged in Count Two, and did knowingly and intentionally possess such firearms in furtherance of that crime of violence, one or more of which firearms were brandished.

(Title 18, United States Code, Sections 924(c)(1)(A)(i), 924(c)(1)(A)(ii), 2 and 3551 et seq.)

Count Four: Hobbs Act Robbery

On or about February 23, 2020, within the Eastern District of New York and elsewhere, the defendant STEPHON DAVON CLARK did knowingly and intentionally obstruct, delay and affect commerce and the movement of articles and commodities in commerce, by robbery, to wit: the robbery of a convenience store on Fulton Street in Brooklyn, New York.

(Title 18, United States Code, Sections 1951(a), 2 and 3551 et seq.)

Count Five: Brandishing a Firearm in Furtherance of a Crime of Violence

On or about February 23, 2020, within the Eastern District of New York, the defendant STEPHON DAVON CLARK did knowingly and intentionally use and carry one or more firearms during and in relation to a crime of violence, to wit: a violation of 18 U.S.C. § 1951(a) as charged in Count Four, and did knowingly and intentionally possess such firearms in furtherance of that crime of violence, one or more of which firearms were brandished.

(Title 18, United States Code, Sections 924(c)(1)(A)(i), 924(c)(1)(A)(ii), 2 and 3551 et seq.)

Count Six: Hobbs Act Robbery

On or about March 8, 2020, within the Eastern District of New York and elsewhere, the defendant STEPHON DAVON CLARK did knowingly and intentionally obstruct, delay and affect commerce and the movement of articles and commodities in commerce, by robbery, to wit: the robbery of a gas station on Atlantic Avenue in Brooklyn, New York.

(Title 18, United States Code, Sections 1951(a), 2 and 3551 et seq.)

Count Seven: Brandishing a Firearm in Furtherance of a Crime of Violence

On or about March 8, 2020, within the Eastern District of New York, the defendant STEPHON DAVON CLARK did knowingly and intentionally use and carry one or more firearms during and in relation to a crime of violence, to wit: a violation of 18 U.S.C. § 1951(a) as charged in Count Six, and did knowingly and intentionally possess such

firearms in furtherance of that crime of violence, one or more of which firearms were brandished.

(Title 18, United States Code, Sections 924(c)(1)(A)(i), 924(c)(1)(A)(ii), 2 and 3551 et seq.)

The source of your deponent's information and the grounds for his belief are as follows:¹

1. I am a Task Force Officer with the New York City Police Department ("NYPD") and the Bureau of Alcohol, Tobacco and Firearms Joint Robbery Task Force and have been involved in the investigation of numerous cases involving robberies. I have been an officer of the NYPD for seventeen years and I have been part of the Joint Robbery Task Force for two years. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file and surveillance camera videos; and from reports of other law enforcement officers involved in the investigation.

The January 27 Robbery

2. On January 27, 2020, at approximately 12:55 p.m., a restaurant delivery worker was robbed on Shepherd Avenue in Brooklyn. According to the victim's statements to the NYPD and surveillance videos, which I have reviewed, the victim was standing at the door to a residence to deliver food when the perpetrator started to take the electric bicycle that the victim had just left at the curb. The victim ran to the bicycle to attempt to take it back from the perpetrator, and the perpetrator brandished either a knife or some other sharp object, repeatedly punched the victim and attempted to stab him. The perpetrator fled on the

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

victim's bicycle. I have reviewed photos of the victim's jacket, which appear to show small slices or stab marks. Images taken from the surveillance videos depicting the perpetrator are below.



3. I have reviewed cell-site location data associated with a cell phone number that, as described below, was identified as STEPHON DAVON CLARK's number by an anonymous caller to the CrimeStoppers hotline, and was confirmed by Facebook as associated with a Facebook account belonging to CLARK. According to that data, within approximately an hour and a half before the January 27 robbery, and within approximately ten minutes after the January 27 robbery, this cell phone that is believed to belong to STEPHON DAVON CLARK made or received phone calls from cell sites within less than half a mile from the location of the robbery.

4. The day after the January 27 robbery, on January 28, 2020, at a pawn shop on Atlantic Avenue in Brooklyn, STEPHON DAVON CLARK showed his own photo ID and pawned the electric bicycle that was stolen during the January 27 robbery. The victim's ID card was recovered from the bicycle's basket. I have reviewed the pawn shop receipt signed by STEPHON DAVON CLARK, and the stolen property report filed by the victim.

5. I have also reviewed surveillance videos from the pawn shop that shows STEPHON DAVON CLARK wearing—as seen in the images below, taken from the surveillance video—a green hoodie with two parallel seams running from the front of the hood over the top and a white Nike logo over the left breast. His face is visible in the video. His size, build, and skin tone match the perpetrator from the surveillance video of the January 27 robbery.



The February 13 Robbery

6. On February 13, 2020, at approximately 2:40 p.m., a convenience store was robbed on Jamaica Avenue in Brooklyn. According to statements made by the cashier to the NYPD, which I have reviewed, two men entered the store and approached the counter acting as customers, and then one of them brandished a silver handgun and asked “Where’s the money?” Both perpetrators then went behind the counter and removed cash and the cashier’s cellphone from the cashier’s pockets and cash from the register before fleeing on foot.

7. I have reviewed surveillance videos that depict these events, some images from which are below. As seen in the images below, one of the perpetrators wore a blue jacket and a black backpack with white text that includes the word “SUPREME” along the top and sides. His face, size, and build match those of STEPHON DAVON CLARK, as seen in the surveillance videos described above. He brandished what appears to be a silver revolver with a light blue handle.



The February 23 Robbery

8. On February 23, 2020, at approximately 6:05 p.m., a convenience store was robbed on Fulton Street in Brooklyn. According to statements made by the cashier to the NYPD, which I have reviewed, a man approached the counter and asked for rolling papers before brandishing a silver handgun and demanding money. The perpetrator then went behind the counter and took approximately \$500 from the register, as well as two cellphones, a watch, and a wallet from the victim, and an iPad that was under the counter.

9. I have reviewed surveillance videos that depict these events, images from which are below. As seen in the images, the perpetrator wore a distinctive, brightly

colored camouflage-print hoodie jacket, white and blue sneakers, and what appears to be the same black backpack with white text that includes the word “SUPREME” along the top and sides seen in the videos of the February 13 robbery. He brandished what appears to be the same silver revolver with a light blue handle seen in the videos of the February 13 robbery. The perpetrator’s lower face is obscured by his hood but his upper face is visible, and the visible portion of his face, as well as his size, build, and skin tone, all match those of STEPHON DAVON CLARK.





Telephone Tip and Facebook Account

10. On February 26, 2020, an anonymous call was received on the NYPD CrimeStoppers hotline from a caller who saw the surveillance video of the February 13 robbery on Brooklyn News 12. The anonymous caller identified the perpetrator in the blue jacket and black backpack as STEPHON CLARK, and provided CLARK's cell phone number and Facebook profile name. Facebook confirmed to me that the cell phone number is associated with the specified Facebook account. A cell-site search warrant was executed, which revealed (among other things) the cell-site data described above.

11. I have reviewed posts, photographs, and videos from the STEPHON CLARK Facebook profile, some images from which are below. The photographs of STEPHON CLARK on the Facebook profile match the individual believed to be STEPHON DAVON CLARK in the surveillance videos described above. In some of his Facebook photos, one of which is below, CLARK wore a green hoodie that appears—based on the color, parallel seams on the hood, Nike logo over the left breast, and general fit—to be the

same as the green hoodie seen in the pawn shop video.² In one of the videos, an image from which is below, CLARK wore what appears to be the same distinctive, brightly colored camouflage-print hoodie jacket as seen in the videos of the February 23 robbery. In some of the photos, one of which is below, CLARK wore what appear to be the same blue and white sneakers as seen in the videos of the February 23 robbery.



The March 8 Robbery

12. On March 8, 2020, at approximately 7:47 a.m., a gas station was robbed on Atlantic Avenue in Brooklyn. According to statements made by the gas station clerks to the NYPD, which I have reviewed, a man approached the counter and asked for a pack of cigarettes before brandishing a silver revolver and demanding money. The perpetrator then went behind the counter, punched one of the clerks in the head and demanded that that register be opened. The perpetrator took approximately \$1500 of cash

² Note that the photo below is mirrored because it was taken with a front-facing “selfie” camera, so the Nike logo is reversed and appears over the right breast.

and fled the store.

13. I have reviewed surveillance videos that depict these events, images from which are below. The perpetrator appears to be, and I believe he is, STEPHON DAVON CLARK, wearing a wig beneath a white or light-colored hood with the Fila logo on the top, and what appear to be the same blue and white sneakers as seen in the videos of the February 23 robbery and CLARK's Facebook account. He brandished what appears to be the same silver revolver with a light blue handle seen in the videos of the February 13 and 23 robberies. CLARK's Facebook account also contains photographs of a woman believed to be either his wife or girlfriend and who, in different photographs on her own and CLARK's Facebook accounts, wears multiple wigs, one of which appears to be the same as the wig seen in the videos of the February 23 robbery, based on its color, length, texture, and center part.





14. A few hours before the March 8 robbery, at approximately 4:36 a.m., CLARK broadcast a “Facebook live” video of himself talking and rapping into his cell phone’s “selfie” camera. Although the video was almost completely dark, increasing the brightness is sufficient to show, as in the image below, that CLARK was wearing what appears to be the same hood with the Fila logo that he would wear while robbing the gas station on Atlantic Avenue.³



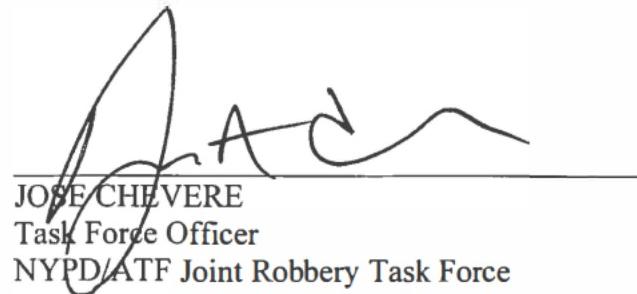
³ Note that the image is mirrored because it was taken with a front-facing “selfie” camera. The shape of the hood is apparent, and on the right side of the image of the hood, the reversed F in the Fila logo is faintly visible; in the center is the I; and at the left is the vertical stroke of the L.

15. Based on the foregoing facts, I submit that there is probable cause to believe that STEPHON DAVON CLARK was the perpetrator of the January 27, February 13, February 23, and March 8 robberies.

WHEREFORE, your deponent respectfully requests an arrest warrant for the defendant STEPHON DAVON CLARK so that he may be dealt with according to law.

Sealing Request

I further request that the Court issue an order sealing, until further order of the Court, all papers submitted in support of this application, including the affidavit and arrest warrant. Based upon my training and experience, premature disclosure of the contents of this affidavit and related documents will seriously jeopardize the investigation, including by giving the defendant and other targets an opportunity to flee from prosecution, destroy or tamper with evidence and change patterns of behavior.



JOSE CHEVERE
Task Force Officer
NYPD/ATF Joint Robbery Task Force

Sworn to before me by telephone this
12th day of March, 2020



THE HONORABLE PEGGY KUO
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK